

The Senate Science and Technology Committee offered the following substitute to SB 395:

A BILL TO BE ENTITLED

AN ACT

To amend Article 1 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to general provisions concerning telephone and telegraph service, so as to provide that all cellular telephone service providers in this state shall offer consumers at least one service plan that does not require the consumer to enter into a contract for service to receive cellular telephone service; to provide for full disclosure of plans; to provide that no cellular telephone service provider shall require that any of its subscribers enter into an extension or renewal of an existing cellular telephone service contract in order to obtain a change in the level or type of cellular telephone service provided by such provider if such change is revenue neutral or results in additional revenue for such provider; to provide for the cancellation or suspension of such contracts under certain circumstances; to provide for the form of such contracts; to provide for related matters; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to general provisions concerning telephone and telegraph service, is amended by adding a new Code Section 46-5-9 to read as follows:

"46-5-9.

(a) On and after July 1, 2006, each cellular telephone service provider offering cellular telephone service in this state must offer to consumers at least one service plan option that does not require the consumer to enter into a contract, other than a month-to-month contract, in order to receive cellular telephone service from such provider. Each offer of cellular telephone service by a cellular telephone service provider in this state shall provide a full written disclosure to consumers of the various cellular telephone service plans offered by the provider regardless of whether such offer is made in person or through the

1 Internet, including those service plans that do not require the consumer to enter into a
2 contract, other than a month-to-month contract, in order to receive cellular telephone
3 service from such provider, and shall obtain from the consumer an acknowledgment by the
4 consumer that the consumer has read and reviewed the disclosure by signing the written
5 disclosure if such disclosure is made in person or by marking a box on the website or other
6 similar type of acknowledgment if such disclosure is made through the Internet.

7 (b) On and after July 1, 2006, no cellular telephone service provider in this state shall
8 require that any subscriber enter into an extension or renewal of an existing cellular
9 telephone service contract in order to obtain a change in the level or type of cellular
10 telephone service provided to such subscriber by such provider if such change is revenue
11 neutral, results in additional revenue to such provider, or does not provide such subscriber
12 with other valuable consideration. If such subscriber enters into a contract extension, the
13 cellular telephone service provider shall obtain a written acknowledgment from such
14 subscriber that the subscriber understands the terms of the contract extension and consents
15 to such contract extension.

16 (c) On and after July 1, 2006, each contract for cellular telephone service that is entered
17 into in this state and that includes a provision for a discounted cellular telephone shall also
18 include a provision permitting the subscriber to cancel such contract within two billing
19 cycles, provided that such subscriber pays the full retail cost for any cellular telephone
20 provided by the cellular telephone service provider under the contract.

21 (d) On and after July 1, 2006, at the time of the execution of a contract for cellular
22 telephone service, each cellular telephone service provider shall provide the subscriber with
23 a map clearly delineating such provider's service and coverage area. In the event that such
24 subscriber does not receive adequate cellular telephone service within the service and
25 coverage area depicted on such map, such subscriber shall be permitted to cancel such
26 contract without penalty by notifying such provider in writing of such cancellation.

27 (e) On and after July 1, 2006, all contracts for cellular telephone service entered into in this
28 state shall be written in clear and simple language that a person of average intelligence can
29 understand. It is the intent of this subsection that the contract shall be written so as to
30 provide a full, clear, and meaningful disclosure of the terms of the contract to the
31 subscriber in a manner such that the subscriber can fully understand the provisions of the
32 contract and that this subsection be liberally construed to effect this purpose.

33 (f) On and after July 1, 2006, all contracts for cellular telephone service entered into in this
34 state shall permit the temporary suspension without charge for the duration of the time
35 period the subscriber is outside the United States of such subscriber's cellular telephone

1 service contract if the subscriber, while on active military duty, is sent outside the United
2 States as a part of such military duty.

3 (g) This Code section shall not apply to any contracts that were in existence prior to July 1,
4 2006."

5 **SECTION 2.**

6 All laws and parts of laws in conflict with this Act are repealed.